UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,543	10/12/2001	Genady Grabarnik	YOR920010748US1	1486

7590   09/29/2006

Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER
LIN, KELVIN Y

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/976,543	Applicant(s) GRABARNIK ET AL.
	Examiner Kelvin Lin	Art Unit 2142

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>06 September 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *none*.

   Claim(s) objected to: *none*.

   Claim(s) rejected: *1-29*.

   Claim(s) withdrawn from consideration: *none*.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

ANDREW CALDWELL
PRIMARY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant is argueing 1) the combination of Mishra in view of Yoshida does not disclose automatically generating one or more event relationship network from event data, wherein an event relationship network comprises a graphical representation wherein nodes representing events and links connecting correlated nodes; 2) the combination of Mishra in view of Tenev does not teach compute a first correlation metric and second correlation metric being representative of a correlation between events that is stronger than a correlation between events represented by the first correlation metric. It has been considered but is not persuasive.

As to point (1), Mishra teaches how to construct an event graph, at page 59, procedure proc-N-node constructs the event graph which is not existing before, e.g. using the right, left nodes to indicate the occurance of event and build up several relationship among the events when time goes by. Moreover based on the event relationship it can be used to mark the node with rule idendifier and merge it in the tree, as indicated at page 64, fig. 5.6 occurance of event e13, illustrating the link of correlated nodes. Therefore, Mishra does teach generating one or more event relationship network from event data, wherein an event relationship network comprises a graphical representation wherein nodes representing events and links connecting correlated nodes.

As to point (2), at col.6, l. 51-col.7, l.6, Tenev discloses that in Fig. 3, obtains node-link data which part or all of node-link data. In the tree for at least one element that has more than one representation in the tree which representation have descendants in the tree (first correlation metric) and which have not descendants (second correlation metric) and processing (computing is defined as to use a computer to do work, see Microsoft Computer Dictionary, 3rd edition) the two metrics, one is stronger than the other, for the evaluation to expansion/ contraction data that are sufficient to indicate the set of elements of a directed graph represented in a tree, see col.8, l.1-20. Moreover, at col.9, l.32-45, Fig.6 illustrates features of direct graph data structure that are relevant to the operation performed by grapher reoutine in relation to the expansion flags. Therefore, Tenev does teach compute (processing) a first correlation metric (without descendant) and second correlation metric (with descendant) being representative of a correlation between events that is stronger than a correlation between events represented by the first correlation metric.